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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Policies and Rules Concerning)
Children's Television)
)
Revision of Programming Policies)
for Television Broadcast Stations)

MM Docket No. 93-48

COMMENTS OF

INTERFAITH BROADCASTING COMMISSION

Summary

The Interfaith Broadcasting Commission (IBC) is composed of the National Council of Churches of Christ, the New York Board of Rabbis, the Southern Baptist Radio and Television Commission and the United States Catholic Conference. The IBC produces and promotes programming for air on television, radio and cable outlets, and has been doing so for more than forty years.

IBC urges the Commission to define with greater specificity what is meant by "educational and informational" children's television programming and require that such programming be aired at a minimum of one hour a day at times when children are likely to be in the audience. Additionally, the Commission should require that programs be created specifically for preschool, early elementary, preteen and early teen-aged children. Further, the Commission should enforce program requirements with renewal processing guidelines.

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Comments

The Interfaith Broadcasting Commission (IBC) is composed of four religious organizations -- the National Council of Churches of Christ, the New York Board of Rabbis, the Southern Baptist Radio and Television Commission and the United States Catholic Conference -- which together represent 100,000,000 members of Judeo-Christian faiths in the United States.

The IBC has been in existence since 1980 as a consortium of those major religious organizations that have advised and produced programs for ABC, CBS, and NBC. Members of the IBC have been involved with these networks since 1951 (NBC), 1952 (CBS), and 1960 (ABC).

The IBC exists to ensure that the electronic media reflects accurately the religious values held by the American people. Thus, the IBC, which represents major religions in our society, helps the television industry meet its societal and public service responsibilities.

IBC members bring a wealth of experience in producing, funding, and placing quality programming for air on television, radio and cable outlets, and have been doing so for more than forty years. The religious community has a long history of producing and promoting programs that inspire, inform and promote positive morals and values. We've worked on programs such as "Healthy Children: A National Priority," "Love Them One By One," a program about solutions to violence in our communities, "Confronting AIDS:

Compassion and Conflict," "Teens and Values: A Learning Process," "Learning Right from Wrong: Teaching Values in Public Schools," "Children Are Hurting: A Religious Response to Childhood Grieving," "Touched With Fire: Young People In a Troubled Society," "The Red Box," dealing with children at the holidays, "Children in Poverty," and "Someone is Listening: Teens from Crisis to Caring."

The IBC members share a particular concern for the availability of quality educational and informational programming for children. The public interest obligation of broadcasters to serve children has been clear for decades. Television licensees can and should reinforce shared societal values of education and nurturing of children.

The neglect of children is an ugly reality in our society.

A particularly influential force [in the lives of children] is the communications media. Too often this powerful cultural force seems less an ally and more an adversary in sharing basic values and helping shape healthy children. With notable exceptions, our children are often exposed to pervasive violence; casual sex; and racial, ethnic, and sexual stereotypes in music, film, and television. We hope media could increasingly reinforce basic values of honesty, compassion, respect for others, and fairness, rather than simply send messages that diminish and distort human life and love. Children and Families First, United States Catholic Conference, 1992.

The Children's Television Act of 1990 ("CTA" or the "Act"), 47 U.S.C. §§ 303a, 303b, 394 (1993), demonstrates the concern members of Congress have for the youngest and most vulnerable members of society. The IBC was hopeful that this important legislation would inspire a measurable increase in both the quantity and quality of

television programs for children aired by licensees. Unfortunately this has not been the result. Children still are limited to the same kind of violence-filled cartoons and poorly disguised program length commercials that were their fare prior to 1990. See testimony of Dr. Kathryn C. Montgomery, President, Center for Media Education (CME), before the Subcommittee on Telecommunications and Finance, United States House of Representatives, June 10, 1994. Programs aimed at adult audiences and of little appeal to children are included in compliance reports in efforts to show responsiveness to the Children's Television Act. See Dale Kunkel, Broadcasters License Renewal Claims Regarding Children's Educational Programming, Department of Communication, University of California, Santa Barbara, May 7, 1993.

IBC believes it is time for the Commission to question aggressively licensees' claims of compliance on the basis of such evidence. The public should not be forced to wait while children's programming choices are left to the unbridled discretion of individual licensees. Clearly voluntary compliance has failed, even in the face of legislation. We are forced to conclude that the only avenue for obtaining compliance with the Children's Television Act is further regulation and rigorous enforcement.

Although Congress intended that the Children's Television Act of 1990 provide an incentive for television licensees to air informational children's programs, the members of IBC have not found a warm reception for educational children's programs.

Since 1985, the United States Catholic Conference has contributed over \$400,000 of funding to "Our Friends On Wooster Square," a program designed to teach preschool children basic moral and social values. Produced by Dr. William Larkin of the Pastoral Theological Institute, this program has won the bronze medal for music and the bronze medal for best original script at the New York Festival of Radio and Television. Some episodes have been carried on the Family Channel cable network.

Dr. Larkin has made repeated attempts to interest commercial broadcasters in carrying "Our Friends On Wooster Square." Commercial broadcasters have told him that there is insufficient advertiser interest in programming for pre-schoolers. He has been told by licensees that advertisers want to target children aged seven to 11 because these older children can influence what their parents buy. Other stations have rebuffed Dr. Larkin on the grounds that they already have sufficient educational children's programming. However, these same stations then point to cartoon series as examples of educational children's programs which meet their public interest obligation to children. Dr. Larkin was further told by a representative of a major cable network which specifically targets children that they would not carry the show because they were afraid that it would be perceived by children as educational rather than entertainment.

Dr. Larkin was informed by a representative from a Capital Cities/ABC affiliate in a major market that it is inappropriate for a broadcaster to air a program which attempts to influence positive

values; the representative stated, that broadcasters have no right to influence people's values, particularly those of children. A member of this station's upper management further commented that Dr. Larkin's program did not contain enough violence.

IBC finds this is an alarming attitude particularly in light of recent studies linking televised violence and children's anti-social behavior. It was precisely these attitudes indicative of a marketplace mentality which fails the child audience that the Children's Television Act was enacted to overcome. Yet, three years after its enactment, nothing appears to have changed.

The IBC suggests regulation along the following lines:

1. The Commission should define with greater specificity what is meant by "educational and informational" children's television programming. We support CME et al.'s expanded definition of educational/informational programming:

Educational and informational television programming is television programming that genuinely furthers the understanding of children sixteen years of age and under of subjects such as history, science, literature, the environment, drama, music, fine arts, current events, human relations, other cultures, or languages, and of skills such as reading and mathematics which are crucial to a child's development.

We would, however, recommend that religion and discussions of positive moral values be included as appropriate topics. The United States Catholic Conference has conducted a survey of

educational, cultural, religious and informational television program producers an overwhelming number of whom noted a lack of positive moral values in children's programming. That response was prompted not by a leading question, but by a request for several comments on the state of children's television.

We would further stress that this definition be coupled with age group requirements as further discussed under number 5 below.

To be credited by the Federal Communications Commission (FCC) as serving the educational and informational needs of children, programming should be created expressly for children and have as one of its primary purposes (as revealed in the overall theme or subject matter of the program, or by identifiable segments within the program) to contribute to the positive growth of the child's cognitive/intellectual and/or social/emotional needs. These programs should be created expressly to inform, not merely to entertain.

We agree with the Center for Media Education that just because programming may include elements that are designed to teach children (e.g. help make children feel good about themselves) they are not specifically designed to meet children's educational and informational needs. This does not comply with Congressional intent. Broadcasters should not be permitted to claim a wide variety of programs as specifically designed to educate and inform children that clearly were not designed for that purpose.

2. If the Commission permits stations to count adult and/or all-age programs toward fulfillment of the Act's requirement, it should

specify that these programs may be used only as supplemental to a licensee's obligation and not consider them evidence of compliance. In such cases, the licensee should be required to name the program and specify the episode and ways in which it met the requirements of the Act.

3. The Commission should require that educational and informational children's programs be aired during hours when children are likely to be in the viewing audience (e.g. early morning and after school).

4. The FCC should require a minimum of one hour of educational and informational children's programming be aired daily. And these should be in standard program-length segments; public service announcements should not constitute fulfillment of the requirements.

The average child watches television 28 hours each week, and the average child from low-income households even more -- up to 42 hours per week. (Comments of Diane Levin, Ph.d., at 1.)

We support the comments of CME et al. who point out that commenters who oppose having a guideline because it would create a "ceiling" or maximum are not helpful. CME notes that because the number of educational programs now aired on most stations is so low almost any processing guideline (especially a high one) would represent an improvement in actual hours broadcast. Besides, should the guideline effectively create a "ceiling" someday in the future, the Commission can reconsider their effectiveness at that time.

In 1974, the Commission stated that "we wish to emphasize that we do expect stations to make a meaningful effort in this area." Children's Programming, 31 RR 2d 1228, 1235 (1974). The CTA is Congress' judgement on how "meaningful" broadcast licensees' efforts have been over the last 20 years. Moreover, if the Commission were to implement a requirement that broadcasters provide at least one hour per day of children's programming, this limitation would affect only four percent of the broadcast hours of a station operating full-time.

5. The FCC should extend the Act to ~~make~~ **age-group programming requirements**. These age-group programming requirements should be broken down according to the following groupings: preschool, early elementary, preteen, and early teen. See Aden Hayes, The Children's Hour Revisited: The Children's Television Act of 1990, 46 Federal Communications Law Journal, 293, 316 (1994). These common sense groupings make it easier for broadcasters "to meet their unique educational and informational needs, taking into account the special characteristics of various segments of the child population." H.R. Rep. No. 101-385, 101st Cong., 2nd Sess., 5.

6. **Educational programs designed for children can and should include religious values**. In the 1960 En Banc Programming Inquiry, 20 RR 1901 (1960), the Commission recognized religious programming as one of the categories of non-entertainment programming which served the public interest. Such existing children's programs as "Davey and Goliath" and "Story Barn," produced by the Evangelical Lutheran Church in America, and "Sunshine Factory," a production of

the Southern Baptist Radio and Television Commission, are examples of educational and informational children's programs which are entertaining and teach values on principles inherent in religion.

7. The obligations of licensees under the Act should be clearly delineated in Commission rules, with specific numerical goals and mandates. Numerical goals are essential to successful enforcement by an agency which has a small staff to allocate for enforcement and which is charged with policing an industry that apparently has every economic incentive not to comply with the law. We note, in this regard that the Commission has successfully relied upon statistical evidence and guidelines in its enforcement of its Equal Employment Opportunity rules. Report and Order in MM Docket No. 92-261 (Equal Employment Opportunities), 8 FCC Rcd 5389 (1993).

The record shows that whatever rules the Commission adopts are meaningless without compliance by broadcast licensees and enforcement by the Commission. Dr. Kunkel's study found that fully 21 percent of broadcasters claimed no standard-length programs for children although CTA clearly states their obligation to provide some educational programming specifically designed for children. Twenty-nine percent of the stations in the survey failed to comply with the Commission's minimal record keeping requirements that are necessary for the public and the Commission to monitor a licensee's compliance with the Act.

8. Non-compliance with the FCC rules regarding children's television programming requirements must be considered seriously in the FCC's review of applications for license renewals. The nominal

fines levied for violation of advertising limits and processing delays for license renewal have provided no incentive for broadcaster compliance with either the letter or the spirit of the Act. Failure to comply with the Act should result in denial of license renewal. Renewal applicants with questionable records should be designated for hearing. At a minimum, licensees with a record of marginal compliance with the Act should be renewed with for only a shortened license period with reporting requirements. When the Commission was uncertain as to licensees' compliance with political broadcasting rules, a random check of 30 licensees which revealed an industry-wide pattern of noncompliance with the rules. Codification of Commission's Political Programming Policies, 7 FCC Rcd 678 (1991), recon. denied, 7 FCC Rcd 4611 (1992). The fines and rule clarifications issued as a result of that survey have provided clarity for broadcasters and incentive to comply with the rules. Licensees whose record of compliance with the Act is exceptional should receive additional credit along with their renewal expectancy.

The basic informational need of any child is to absorb the values that will help that child make sound choices about the issues with which it will be confronted on its journey toward adulthood. Every child needs to develop a sense of self worth, to learn respect for authority, to interact with others non-violently, to honor, love and respect parents, to appreciate the worth of children of different cultures, languages and races, and to respect others of all ages. Children need to learn that it is all right to

be different; to develop a sense of awe and wonder toward the world in which they live. These values are basic to our most fundamental social interactions, and to our concepts of citizenship. They deserve to be conveyed to our children through the medium -- television -- which has the greatest impact, in terms of time, on our children's lives. The Commission should not shrink from recognizing that many of these ideals are conveyed and taught to children through television programs which reflect values based on our religious beliefs and religious heritage.

In passing the Children's Television Act of 1990, Congress clearly believed the state of children's television programming at that time was completely inadequate. Little has been done by the industry to alter the situation since the Act was signed into law. Congress deliberately rejected reliance on market incentives as a force to drive children's programming, and the Commission has recognized, at least since the 1974 Children's Television Report, that there are few economic incentives for licensee's to provide children's programming. The members understood that the requirements of the Act would involve some cost to licensees, but that the needs of children were so overwhelming that broadcasters must be required to offer "educational and informational" programs as part of their daily schedule.

Programs which inspire, instruct and enhance the development of children on an intellectual, spiritual and social level are necessary to comply with the intent of the Act. We believe it is fair that broadcasters, who have free use of a valuable public

commodity, be required to offer educational and informational children's programming even though they may not be able to derive a maximum amount of revenue from those programs. In fact, compliance with the Act and Congressional intent may require the use of non-commercial sustaining time for these programs if they are not commercially viable.

Reliance on broadcasters to define what constitutes appropriate children's programming has failed. It is time for the Commission to act decisively to insure that the intent of Congress expressed in the Children's Television Act is not frustrated and that the public trust is not violated. Clear regulation is the only means remaining to salvage the good intentions in the Children's Television Act.

"Our children are our future -- they will be the leaders, the believers, the parents, the citizens of tomorrow. In responding to their needs today, we shape a better future for all." Children and Families First, United States Catholic Conference, 1992.

Respectfully submitted,

Miriam A. Crawford

Miriam Anna Crawford
for the Interfaith Broadcasting Commission

3211 Fourth Street, N.E.
Washington, DC 20017-1194

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